

AMENDED IN ASSEMBLY MARCH 25, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1440**

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**Introduced by Assembly Member Campos**  
(Coauthor: Senator Padilla)

January 6, 2014

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An act to add Section ~~14033~~ 22001 to, and to add Chapter 2 (commencing with Section 10010) to Part 1 of Division 10 of, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1440, as amended, Campos. Elections: ~~rights of voters: district boundaries:~~ public hearing.

~~Existing law, the California Voting Rights Act of 2001 (CVRA), prohibits the use of an at-large election in a political subdivision if it would impair the ability of a protected class, as defined, to elect candidates of its choice or otherwise influence the outcome of an election. The CVRA provides that a voter who is a member of a protected class may bring an action in superior court to enforce the provisions of the CVRA, and, if the voter prevails in the case, he or she may be awarded reasonable litigation costs and attorney's fees. Existing law requires county boards of supervisors and the councils of general law and charter cities that elect members by or from districts following each decennial federal census, and using that census as a basis, to adjust the boundaries of the supervisorial and council districts, as specified. Existing law requires a county board of supervisors or a city council of a general law city or the governing body of a charter city to hold at least one public hearing on any proposal to adjust the boundaries~~

of a district for the purpose of elections prior to a public hearing at which the board or council votes to approve or defeat the proposal.

This bill would *also* require ~~a political subdivision~~ *the governing body of a district* to hold at least one public hearing on a proposal to ~~change from an at-large method of election to a district-based election~~ *adjust the boundaries of the district* prior to a public hearing at which ~~the political subdivision~~ *governing body of the district* votes to approve or defeat the proposal. *The bill would require a political subdivision that changes from an at-large method of election to a district-based election, as defined, to hold at least 2 public hearings on a proposal to establish the district boundaries of the political subdivision prior to a public hearing at which the governing body of the political subdivision votes to approve or defeat the proposal.*

Because the bill would impose additional duties on local agencies, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1     ~~SECTION 1. Section 14033 is added to the Elections Code, to~~
- 2     ~~read:~~
- 3     ~~14033. (a) A political subdivision shall hold at least one public~~
- 4     ~~hearing on a proposal to change from an at-large method of election~~
- 5     ~~to a district-based election prior to a public hearing at which the~~
- 6     ~~political subdivision votes to approve or defeat the proposal.~~
- 7     ~~(b) This section applies to, but is not limited to, a proposal that~~
- 8     ~~is required due to a court-imposed change from an at-large method~~
- 9     ~~of election to a district-based election.~~
- 10    ~~SECTION 1. Chapter 2 (commencing with Section 10010) is~~
- 11    ~~added to Part 1 of Division 10 of the Elections Code, to read:~~

CHAPTER 2. DISTRICT BOUNDARIES

10010. (a) A political subdivision that changes from an at-large method of election to a district-based election shall hold at least two public hearings on a proposal to establish the district boundaries of the political subdivision prior to a public hearing at which the governing body of the political subdivision votes to approve or defeat the proposal.

(b) This section applies to, but is not limited to, a proposal that is required due to a court-imposed change from an at-large method of election to a district-based election.

(c) For purposes of this section, the following terms have the following meanings:

(1) "At-large method of election" has the same meaning as set forth in subdivision (a) of Section 14026.

(2) "District-based election" has the same meaning as set forth in subdivision (b) of Section 14026.

(3) "Political subdivision" has the same meaning as set forth in subdivision (c) of Section 14026.

SEC. 2. Section 22001 is added to the Elections Code, to read:

22001. The governing body of a district shall hold at least one public hearing on any proposal to adjust the boundaries of the district prior to a public hearing at which the governing body votes to approve or defeat the proposal.

~~SEC. 2.~~

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.